

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MISSOURI  
EASTERN DIVISION

MAYFLOWER TRANSIT, LLC, )  
)  
Plaintiff, )  
)  
v. ) Case No. 4:23-cv-00708  
)  
BRENDAMOUR MOVING & )  
STORAGE, INC., et al., )  
)  
Defendants. )

ZOOM VIDEOTAPED DEPOSITION OF MICHAEL  
BRENDAMOUR, a Witness, taken on behalf of the  
Plaintiff before Peggy E. Corbett, CSR, CCR, RDR,  
pursuant to Notice on the 14th day of November,  
2023, at the offices of Finney Law Firm Inc., 225  
South Meramec, Suite 1200, St. Louis, MO 63105.

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24  
25

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NOTE: Submitted to the court reporter for copying  
and distribution with retention by Mr. Lamping  
thereafter.

1 (Deposition commenced at 10:21 a.m.)

2 THE VIDEOGRAPHER: Good morning.

3 We were going on the record at 10:21 a.m. Central  
4 Time on November 14th, 2023. Please note that  
5 this deposition is being conducted virtually,  
6 quality of recording depends on the quality of  
7 camera and internet connection of participants.  
8 What is seen from the witness and heard on screen  
9 is what will be recorded.

10 Audio and video recording will continue  
11 to take place unless all parties agree to go off  
12 the record. This is Media Unit 1 of the video  
13 recorded deposition of Michael Brendamour taken  
14 by counsel for plaintiff in the matter of  
15 Mayflower Transit, L.L.C. vs. Brendamour Moving &  
16 Storage, Inc. et al. filed in the United States  
17 District Court, Eastern District of Missouri,  
18 Eastern Division, Case Number 4:23-cv-00708.  
19 This deposition is being conducted remotely using  
20 virtual technology.

21 My name is Bethany Scutti representing  
22 Veritext and I'm the videographer. The court  
23 reporter is Peggy Corbett from the firm Veritext.  
24 I am not authorized to administer an oath, I am  
25 not related to any party in this action nor am I

1 financially interested in the outcome.

2 If there are any objections to  
3 proceeding, please state them at the time of your  
4 appearance. Counsel and all present about will  
5 now state their appearances and affiliations for  
6 the record, beginning with the noticing attorney,  
7 and then will the court reporter please swear in  
8 the witness.

9 MR. LAMPING: Brian Lamping for  
10 Mayflower Transit, L.L.C.

11 MR. FINNEY: Christopher Finney for  
12 Mike Brendamour, and Mike Brendamour, and along  
13 with me is Julie Gugino.

14 THE WITNESS: There's something  
15 here that says got it.

16 MR. FINNEY: That just means that  
17 you're being videotaped.

18 MR. LUEPKE: And Henry Luepke on  
19 behalf of Brendamour Moving & Storage, Brendamour  
20 Logistics and Paul Owens.

21 EDMUND MICHAEL BRENDAMOUR,  
22 a Witness, being first duly sworn, testified  
23 under oath as follows:

24 EXAMINATION

25 BY MR. LAMPING:

1 Q. Good morning, sir. I stated my name  
2 just a few minutes, on the record a few minutes  
3 ago. But I'm Brian Lamping and I represent the  
4 plaintiff in this case. Can you please state  
5 your full name for the record?

6 A. Edmund Michael Brendamour.

7 Q. And if I call you Mr. Brendamour today,  
8 is that okay?

9 A. That's fine.

10 Q. Mr. Brendamour where do you currently  
11 live?

12 A. In Cincinnati, Ohio.

13 Q. And you understand that you're here  
14 providing testimony at a video deposition today?

15 A. I do.

16 Q. And you understand that you're under  
17 oath, your testimony here today is under oath?

18 A. I had something right in the middle of  
19 my eye there. Okay, yes, I do understand.

20 Q. And is there anything that's going to  
21 prevent you from telling the truth today?

22 A. There is nothing that will prevent me  
23 from telling the truth today.

24 Q. Sir, have you ever given a deposition  
25 before?

1 A. No, I have not.

2 Q. All right. Well, let me just go over  
3 some of the ground rules and you may or may not  
4 have covered some of these with your counsel, but  
5 you do understand we have a court reporter,  
6 Peggy, who is here on the line and is typing out  
7 everything that you and I say today?

8 A. I understand.

9 Q. And because we're here doing this  
10 remotely, sometimes there's a tendency to speak  
11 over one another because you may not really know  
12 when I'm finished with my question, I may not  
13 know when you're finished with your answer,  
14 sometimes there's a lag, so can we just agree to  
15 do our best today not to talk over each other to  
16 make Peggy's job as easy as possible?

17 A. That's not a problem on my part.

18 Q. All right. And then I may ask a  
19 question or two or 10 that just are poorly worded  
20 or otherwise just don't make a whole lot of  
21 sense. I would just ask that if I ask a question  
22 that you don't understand, that you ask me to  
23 clarify it rather than answer it; is that fair?

24 A. Yes.

25 Q. I don't think we're going to be here too

1 long today, but if at any point in time you need  
2 to take a break or talk to your counsel, that's  
3 fine. I'm happy to accommodate that. All I  
4 would ask is that if there's a question pending  
5 that you answer the question before we break; is  
6 that fair?

7 A. That's fair.

8 Q. Okay. And there will probably be some  
9 times this morning where Mr. Finney makes an  
10 objection. Those types of things are generally  
11 just for the record for a judge to sort out down  
12 the line. Unless Mr. Finney instructs you not to  
13 answer a question and you choose to follow his  
14 instruction, just go ahead and let Mr. Finney  
15 make his objection, and then go ahead and answer  
16 the question after that, assuming that you have  
17 not been instructed not to answer the question;  
18 is that fair?

19 A. Yes, it is.

20 Q. I'm going to be asking you some  
21 questions about --

22 A. Just a second. There's this word search  
23 right in the middle of the screen here. Does  
24 that have to stay? I'm looking right at that as  
25 I try to concentrate.



1           Thank you. Okay, now I can move back in  
2     the middle here for everybody. Okay, go ahead,  
3     please. You can tell my computer is -- I'm 72.

4           Q. I understand. Sometimes the technology  
5     can be a little wonky but we'll all do our best.

6           On that note, we are going to be  
7     utilizing sort of a related piece of technology  
8     called Exhibit Share where we can publish  
9     exhibits to you right on your screen and we'll be  
10    walking through those. Is there any reason why  
11    you would be unable to read documents on the  
12    screen as part of that Exhibit Share platform?

13          A. No. There should not be any problems.

14          Q. Okay. If at any point in time if we  
15    publish an exhibit and you're unable to read it,  
16    just let us know and we can e-mail pdf copies to  
17    your counsel. I don't think there's going to be  
18    a ton of exhibits for you today, but if at any  
19    point in time, if there's a document that you  
20    just cannot read, just let us know and we're  
21    happy to accommodate. All right?

22          A. Okay.

23          Q. I'm going to be asking you some  
24    questions today about your preparation for the  
25    deposition, maybe some conversations that you had

1 with Mr. Paul Owens after this lawsuit was filed.

2 If I ask you a question and it requires  
3 you to provide information or requires you to  
4 disclose communications that you had just with  
5 your counsel, I don't want to know that. I don't  
6 want to know any of your conversations with Julie  
7 or Chris or any of the other folks at their firm.

8 So if I ask you a question, and there  
9 may be an objection in response to a question or  
10 two that might elicit some of those questions,  
11 but I just want to caution you from the get-go,  
12 because I am going to be asking you some  
13 questions about things that happened after this  
14 lawsuit, and I just want to make sure you're not  
15 disclosing any confidential communications that  
16 you had with Chris or Julie; is that fair?

17 A. That's fair.

18 Q. All right. Sir, what did you do to  
19 prepare for your deposition today?

20 A. My wife and I have done a lot of  
21 soul-searching. You know, we thought we were  
22 retired, and settling in with our kids and our  
23 grandkids and our great-granddaughters, and we  
24 had to cancel a cruise because of this, we've had  
25 to cancel a vacation, and we had one fun planning

1 for January.

2 This whole -- and the surprise of this,  
3 of being served this has been devastating. My  
4 wife is a very ill lady. She's been to almost 14  
5 doctors this year, 7 procedures, including a few  
6 of them in the last 10 days. So it's taken its  
7 mental toll and physical toll on us. So  
8 obviously, we have been speaking a lot about this  
9 whole situation.

10 Q. In addition to -- in addition to  
11 conversations with your wife, have you talked to  
12 anyone else to get ready to testify today?

13 A. My brothers have not talked to me since  
14 this happened, and my one brother Dave is turning  
15 65 this weekend and he's having a big party and  
16 my sons and myself and my wife are not going to  
17 be going.

18 They believe, like Mayflower believed,  
19 that I was part of this, and that I sold the  
20 company to them, and the truth is that they are  
21 both successful people. My one brother is an  
22 attorney and a CPA and has very successful  
23 companies, and my other brother has his own  
24 company, he's a mechanical engineer. They did  
25 not need to buy me out. They did it as a

1 brotherly love so I could retire, so I have had  
2 no conversations with my brothers.

3 The only conversation I had with  
4 anybody, I even have two sons that still work for  
5 the company, one that's on full disability that's  
6 42 years-old, has been since he was in preschool,  
7 and his older brother takes care of him, and I  
8 have not carried on any conversations with either  
9 one of them through this whole situation since  
10 this took place.

11 Q. You said you have --

12 A. Paul is the only person I've talked to  
13 regarding this. I needed to know: "Paul, did  
14 you say something to Tim Grimes and why did you  
15 say something?"

16 And Paul has insisted all along he's  
17 never said anything, so it makes me wonder if Tim  
18 didn't say anything and didn't hear it, but  
19 somebody he reported to at Mayflower, and then  
20 somebody at Mayflower, like the corporate  
21 attorneys, and they went into the paperwork and  
22 saw: Oh, there's Michael Brendamour, and my name  
23 just came up and it's been in here through this  
24 whole situation; just thoughts on my part.

25 Q. And I appreciate that, sir, and I can

1 tell you have got a lot to get off your chest  
2 today, and I will just caution you and I'm sure  
3 your counsel has, or may caution you if -- you  
4 know, I would just encourage you to just listen  
5 to my question, answer my question, answer the  
6 question I'm asking for, and then I think that  
7 will help us kind of get through this a little  
8 bit more efficiently.

9 Now you had mentioned that you have two  
10 sons that currently work at Brendamour Moving &  
11 Storage.

12 A. Yes, one that is 42 and he's on full  
13 disability, he only works part-time because  
14 that's the law and he can only make so much  
15 money, and the other one is one of the managers.

16 Q. And --

17 A. And has never been a part of the office  
18 or accounting. He's been the warehouse manager  
19 for years.

20 Q. Okay.

21 A. He's my oldest son. I have four sons.  
22 They all worked for the company off and on over  
23 the years.

24 Q. And the son who is on disability, what  
25 is his name?

1           A.     His name is Ryan Michael Brendamour. He  
2 goes by Ryan.

3           Q.     And the son that is the warehouse  
4 manager, what is his name?

5           A.     Edmund Jeffrey Brendamour, and goes by  
6 Jeff.

7           Q.     Okay. Have you talked to, outside the  
8 presence of counsel -- let me ask you this. Have  
9 you had any conversations with -- can I refer to  
10 them as Ryan and Jeff? Is that all right?

11          A.     That's fine. That's what we call them.

12          Q.     Okay. Have you talked to Ryan or Jeff  
13 about the allegations in this lawsuit?

14          A.     Ryan would not understand any of it. He  
15 lives in our house, he's always lived at home.  
16 He knows that there's something going on.

17                 Again, you've got to go through my  
18 history. I've never had anything like this. I  
19 have been a good honest person and never was  
20 involved in anything.

21                 Jeff knows about it, and obviously, he's  
22 infected. He had to take all the Mayflower names  
23 off the trucks, and the list goes on and on, what  
24 he had to do, what had to be done when Mayflower  
25 dropped Brendamour, but I have not had any

1 conversations. He has no idea this is even  
2 taking place today.

3 I have been very careful not to let --  
4 not to bring him into this. He has children and  
5 grandchildren. He doesn't need to -- need this  
6 in his life.

7 Q. So just to be clear, I assume generally  
8 do you understand that the allegations in this  
9 lawsuit involve what Mayflower has described as  
10 fraudulent reporting of charges that had been  
11 entered into the Mayflower system associated with  
12 logistics transactions?

13 A. Of course I've heard what took place,  
14 and you will find today that I have never knew a  
15 single thing about it from Day 1. I just did my  
16 job as a salesperson. I have a real estate  
17 license, and I worked that business, and I never  
18 collected anything but my paycheck, never any  
19 bonus money, no dividends, nothing, throughout my  
20 work there.

21 Q. So have you had any discussions with  
22 Ryan or Jeff specifically about the allegations  
23 that have been made against the company in this  
24 lawsuit?

25 A. I have not had one conversation with

1 either one of them throughout this whole probably  
2 6 months.

3 Q. Okay. And I assume that you have had  
4 communications with your counsel regarding the  
5 allegations in this case and your deposition  
6 today. I don't know what you talked about, but I  
7 assume you have talked to your counsel about this  
8 case and the deposition?

9 A. Obviously --

10 MR. FINNEY: Stop. The answer to  
11 that is "yes."

12 Q. (BY MR. LAMPING) Just a "yes" or "no"?

13 A. Yes.

14 Q. Okay, and I believe you testified  
15 earlier that you had had conversations with  
16 Mr. Owens about the allegations in the lawsuit,  
17 fair?

18 A. Well, yes, yes, not very often, not very  
19 often but at the beginning and, obviously, we as  
20 in my counsel and I asked Paul if he had put it  
21 in writing, and he signed an affidavit stating  
22 that I never knew about it. He never said  
23 anything in that meeting with Tim Grimes and I  
24 think you all have that affidavit.

25 Q. And when you say "never knew about it"



1 what's the "it" that you are referring to?

2 A. It's in the lawsuit that you sent out.

3 Q. Okay. Do you have any position one way  
4 or the other whether Brendamour Moving & Storage  
5 actually did inflate charges that it entered into  
6 the Mayflower system?

7 MR. FINNEY: I'm sorry, you need to  
8 give him a timeframe. Are you saying sitting  
9 here today is he now aware of those allegations?

10 I want to know when you're asking that  
11 question, you have a duty to tell us when and in  
12 what context we're talking about because,  
13 obviously, he read the Complaint.

14 MR. LAMPING: Chris, Chris, your  
15 objection, Chris.

16 MR. FINNEY: No.

17 MR. LAMPING: It's well taken.  
18 I'll clarify. Okay, we don't have to get into  
19 a -- I will clarify. That's fine.

20 A. I can answer that question.

21 Q. (BY MR. LAMPING) That's fine. Let me  
22 address your counsel's objection. We don't need  
23 to --

24 MR. FINNEY: Rephrase.

25 Q. (BY MR. LAMPING) Okay, as you sit here

1 today, do you have a position, have you formed an  
2 opinion as to whether or not Brendamour Moving &  
3 Storage did or did not submit inflated charges  
4 associated with logistics transactions into the  
5 Mayflower system?

6 MR. FINNEY: Sitting here today --  
7 hold on, hold on, hold on, he's read the  
8 allegations. He's talked to other people. He  
9 had nothing to do with it and he's never seen the  
10 books.

11 Are you saying based upon what he's  
12 seen, read and heard, does he believe that to be  
13 true?

14 A. I believe that to be true, because I  
15 understand Paul called Tim Grimes and they met me  
16 in Louisville because Paul, and I don't even know  
17 that reason, wanted to come clean, but the way I  
18 understand it, he wanted to come clean and work  
19 out a payment plan to reimburse Mayflower over a  
20 period of time, and then I understand there was  
21 some kind of video conference with Mayflower and  
22 my brothers and Paul and then all of a sudden the  
23 next thing Brendamour knew, they were cancelled  
24 as an agent.

25 But the idea of Paul -- I'm just

1     guessing, that Paul wanted to come clean and have  
2     Brendamour pay Mayflower back. So, yeah, he  
3     wouldn't come and have met in Louisville if he  
4     knew he hadn't done something that was wrong.

5             You have been using the word a "scheme."  
6     He came up with a scheme, and then I have no idea  
7     why he came forward, but that's why we're here  
8     today.

9             Q.     Okay. I appreciate that. When you say  
10    "he came up with a scheme," the "he" that you are  
11    referring to is Mr. Owens?

12            A.     Oh, absolutely. He's even admitted  
13    that, and you'll be talking to him later on today  
14    and he's going to admit that. He's --

15            Q.     Okay.

16            A.     And from what I understand from Paul,  
17    he's the only one that knew it. Even his  
18    accountant didn't know it, even his dispatcher  
19    didn't know how Paul was doing.

20            Q.     And you testified that --

21            A.     Paul is the accountant. He does the P&L  
22    statements. He did the billing. He's the  
23    salesperson, you know, there's jobs that I sold  
24    over the years, he took over, took them over.

25                 I just did my job, which was sales, so

1 from the time my father -- and you've left my  
2 father out of this thing. I mean my gosh, from  
3 2005 to 2015, who knows what dad knew.

4 But I backed off for certain reasons,  
5 and I have sent you letters that I sent to my  
6 brothers and my dad when I dropped being the  
7 President of the company and took my name off of  
8 Fifth Third Bank checking accounts because I  
9 wasn't wanting to be involved any more with the  
10 company, other than my duty of sales.

11 Q. You testified that you believe Mr. Owens  
12 reached out to Tim Grimes to talk about entering  
13 into a payment plan whereby Brendamour Moving &  
14 Storage would pay back the money it owed to  
15 Mayflower.

16 A. Sure.

17 Q. Where did you get that understanding as  
18 to Paul wanting to do that?

19 A. The only person I have ever talked to is  
20 Paul. You know, Paul didn't expect Mayflower  
21 to -- would cancel-cancel.

22 I mean I started out without Al Nash  
23 Mayflower in 1977, as a helper, a packer, a  
24 driver. I ran a warehouse and I went into sales.  
25 I left Al Nash, and they were one of the original

1 Mayflower agents. So I have been with Mayflower  
2 a long time.

3 I bought a truck for \$500 in 1981,  
4 became a global agent in 1985, and bought a  
5 company-owned store from Mayflower in 1991, and  
6 from 1991 until my wife retired and I retired, we  
7 spent our life with Mayflower.

8 So most of my working career was  
9 involved with Mayflower. The only person I have  
10 talked to about this is Paul, and I'm assuming  
11 from what Paul has said, he didn't want to be  
12 dropped as an agent. He wanted to make amends  
13 and pay Mayflower back with some kind of an  
14 agreement that everybody would have come up with,  
15 and the company --

16 Q. Okay, and this notion about Mr. Owens  
17 wanting to enter into a payment plan with  
18 UniGroup, is that something that Mr. Owens told  
19 you, that he was planning to propose?

20 A. No, I'm assuming --

21 MR. FINNEY: No, hold on, Mike,  
22 hold on, objection.

23 MR. LAMPING: You can answer.

24 MR. FINNEY: I just think you need  
25 to give a timeframe.

1 MR. LAMPING: Mr. Finney, I'd ask  
2 that you to stop.

3 MR. FINNEY: No, I want you to  
4 listen to me.

5 MR. LAMPING: Your speaking  
6 objections are inappropriate.

7 MR. FINNEY: Good, good.

8 MR. LAMPING: Please limit your  
9 objections to form as required under the Rules.

10 MR. FINNEY: Mr. Brendamour  
11 thereafter spoke to Mr. Owens, and the timeframe  
12 within which you're asking these questions is  
13 utterly critical.

14 MR. LAMPING: Mr. Finney, I would  
15 again ask you to limit your objections to form as  
16 required under the applicable rules.

17 MR. FINNEY: I'll do my job and you  
18 do yours, and if I do something that you think  
19 you need to bring to the attention to the judge,  
20 then you, by gum, should do it.

21 Q. (BY MR. LAMPING) Mr. Brendamour, you  
22 have referred a couple of times to as you sit  
23 here today it's your belief that Mr. Owens  
24 reached out to Mr. Grimes to talk about a payment  
25 plan. Where did you form that belief?

1 MR. FINNEY: Listen to the  
2 question.

3 A. Why would Paul Owens go to Louisville  
4 and tell Tim Grimes something that nobody knew  
5 about, but Paul? Others who -- I mean, you know,  
6 Paul had to want to work something out. We all  
7 do.

8 Q. (BY MR. LAMPING) And the "it" that you  
9 are referring to is the inflated charges that  
10 were reported in the UniGroup system, Mayflower  
11 system?

12 A. Yes, yes. My brothers didn't even know  
13 this was going on. It was their company. Paul  
14 ran this company for 20 years and built it and  
15 paid back -- I mean at one point I owed Mayflower  
16 a lot of money and Mayflower got paid back, and  
17 Paul did a lot of good things but, obviously,  
18 this thing is -- wasn't, wasn't right. It was  
19 dishonest.

20 Q. And so just to get to the point, it's  
21 your position that you had no idea that this  
22 over-reporting practice was going on at any point  
23 during your, I guess at any point until the  
24 lawsuit was filed; is that fair?

25 A. I have never, nothing. I stuck. I sat

1 in my office, and I sold, and I sold Mayflower  
2 orders and I sold local orders, I sold office  
3 moves, and at times I brought in some logistic  
4 companies for kiosk machines and so on, but those  
5 would be turned over to Paul and his team.

6 I had no idea ever, not one inkling,  
7 because I wasn't involved in that part of the  
8 business.

9 Q. I just need to get a straight answer on  
10 this, because I think everyone would agree it's a  
11 pretty important fact.

12 A. Okay.

13 Q. Is it your testimony, is it your  
14 testimony under oath that you did not know about  
15 the over-reporting issue until after the lawsuit  
16 was filed?

17 A. As I swore with my right hand up today,  
18 everything is going to be the truth. I knew  
19 absolutely nothing of this scheme that you have  
20 now called -- in any way shape or form at any  
21 time.

22 Q. Okay. You made the comment earlier that  
23 Paul Owens was the only one who knew about the  
24 scheme. How do you know that Mr. Owens was the  
25 only one affiliated with the company that knew



1 about the scheme?

2 A. From everything I have read, and Julie  
3 has been helping. There's been a lot of stuff  
4 written, and Paul says there was nobody else, and  
5 I think he has even told y'all that.

6 Q. Do you know art Whelan?

7 A. Art Whelan was with me in 1991 when I  
8 started, when we bought the Mayflower of Ohio, so  
9 yes, of course, I knew Art Whelan.

10 Q. Do you know whether Mr. Whelan knew  
11 about the scheme while it was on-going?

12 A. From what I understand, and I think you  
13 do, too, from what's been written, Art did not  
14 know.

15 Q. Do you have any understanding as --  
16 bless you, bless you.

17 A. Would you repeat that, please.

18 Q. Yes, yeah. Do you have any  
19 understanding as to how the agent reporting  
20 process works, and when I say agent reporting,  
21 I'm referring to Mayflower agents entering  
22 information or providing information into the  
23 Mayflower system regarding transactions.

24 MR. FINNEY: Hold on. Once again,  
25 after we received this Complaint, Mr. Brendamour

1 has done a lot of forensic digging to find things  
2 out.

3 You need to specify what he -- if you're  
4 going to ask him the question of what he knows,  
5 you need to say: Does he know today, did he know  
6 at the time the lawsuit was filed, did he know at  
7 the time he worked for the company.

8 Q. (BY MR. LAMPING) Unless I tell you  
9 otherwise, if I am asking, "Do you know  
10 something," I want to know if you know it right  
11 now. If I want to specify whether you knew  
12 something at a specific date I will ask a  
13 follow-up question. Okay?

14 A. I am a salesperson, I have been from the  
15 time I was at Boy Scouts. I sold more candy  
16 bars, and in school I sold more magazines than  
17 anybody else.

18 I am very weak in accounting and I have  
19 never known the Mayflower system, even when I  
20 started the company and ran it.

21 I had people that were my accountants,  
22 Paul was a CPA, and so from 2002 or '03 when Paul  
23 came on board, he was the one that handled all  
24 the statements from Mayflower. Before that, I  
25 had another gentleman Chuck, that he passed away,

1 and I never was strong in that part of the  
2 company.

3 Q. Let me try that again.

4 A. I had -- I am -- I have never been  
5 throughout my career knowledgeable of the  
6 percents and the accessorials and all the other  
7 things that -- how Mayflower paid us and how we  
8 were paid.

9 I knew how to sell those accessorials,  
10 line haul and packing charges, but my accountant,  
11 and of course once again Paul for roughly  
12 20-something years handled the accounting.

13 Q. Okay, so you used the term "accessorial  
14 charges." Just to make sure we're all on the  
15 same page, can you tell me what's an accessorial,  
16 what's your understanding of an accessorial  
17 charge?

18 A. Oh, my gosh. It's additional charge.  
19 If it's a household move, it's disconnecting a  
20 washer and dryer, an icemaker. I mean there's  
21 just so many accessorials. It could be an extra  
22 long carry. It could be a piano.

23 On the logistics side, I was never very  
24 much involved on the logistics side, but I guess  
25 it could be how many stops there are, or if there

1 was something installed above -- in other words,  
2 you used the word "line haul." That's how you  
3 get paid, but then there's the accessorial  
4 charges, you know.

5 Q. Okay.

6 A. Again there's an endless of the  
7 different types of accessorial charges that are  
8 out there.

9 Q. You've used the term --

10 A. I don't even use that word today.  
11 Remember, I have been in this business since '77.

12 Q. You've used the term "household" and  
13 "logistics." Would you agree that generally  
14 speaking those are two of the primary different  
15 types of moves that a United or Mayflower agent  
16 would typically handle?

17 A. Well, yeah, on their logistics, my gosh,  
18 there's new furniture. I mean there's so many  
19 logistic types of hauling, but household goods is  
20 household goods.

21 Q. And you understand as you sit here today  
22 that for a logistics transaction, sometimes there  
23 will be accessorial charges associated with that  
24 transaction?

25 A. Oh, absolutely.

1 Q. And do you have an understanding as you  
2 sit here today that charges associated with a  
3 logistics transaction are supposed to be entered  
4 by the agent into the UniGroup system?

5 MR. FINNEY: Hold on. You're  
6 asking him, who hasn't worked for the company for  
7 years, what the interface is between Mayflower  
8 and Brendamour today. Are you asking what his  
9 understanding was when he worked there or how the  
10 software works today?

11 MR. LAMPING: Chris if you'd listen  
12 to my question I said, "Do you understand today"  
13 so stop being an obstructionist.

14 You know what, listen to my question.  
15 You could have avoided this whole colloquy, so  
16 listen to my question, please.

17 MR. FINNEY: I want precision in  
18 the questions, I don't think --

19 MR. LAMPING: And it was precise.

20 MR. FINNEY: Do you understand the  
21 difference, Mike?

22 MR. LAMPING: Let me ask it again?

23 MR. FINNEY: If you haven't worked  
24 there for 5 years, you wouldn't have any  
25 understanding today of how it works.

1 MR. LAMPING: Well, no, I  
2 appreciate you coaching the witness, and we'll  
3 have to bring this to Judge Ross, all right?  
4 Okay?

5 THE WITNESS: Ask me the question.

6 MR. LAMPING: Limit your objections  
7 to form, Chris.

8 MR. FINNEY: Yeah, that, too.

9 A. Just ask me the question. I don't even  
10 know the question.

11 Q. (BY MR. LAMPING) Well, you probably  
12 forgot it because your attorney jumped in, but  
13 let me try it again, all right. As you sit here  
14 today, do you have an understanding as to whether  
15 charges for logistics transactions are entered by  
16 the agent into the Mayflower system?

17 A. I can say that I think in some cases the  
18 Mayflower would do the entering, depending on the  
19 order, and in some cases the agent would do it,  
20 and I believe today that's probably the same as  
21 it was 25 years ago.

22 Q. Okay. Do you know as you sit here today  
23 who at Brendamour Moving & Storage was  
24 responsible for entering charges into the  
25 Mayflower system for logistics transactions at

1 any point in time during your tenure at  
2 Brendamour?

3 A. Oh, there was lots of different people  
4 over the years.

5 Q. Tell me their names, please.

6 A. I actually saw somewhere I read that  
7 somebody already gave you all of those names, so  
8 I -- there was one Vicki, there was one Chuck,  
9 there was one, I don't know. Again, you're  
10 talking a lot of years, but they would input the  
11 household goods, too. They would input an office  
12 or library move, if that was taking place, or an  
13 international move. They were just doing their  
14 job. They would do whatever they were told to  
15 input, but at least it's in the Mayflower manual  
16 on how to input orders.

17 Q. Are you familiar with the Mayflower  
18 manual?

19 A. I don't even know if there is a manual.  
20 I'm sure there's some kind of rule book that  
21 Mayflower has that agents have to follow.

22 Q. At any point in time when you had  
23 responsibilities for Brendamour Moving & Storage  
24 did you ever read an agency manual or see one?

25 A. I know there to be some kind of agency

1 manual. It's probably on the computer today.  
2 It's probably not even a manual that they send.  
3 There used to be agency directories that you sent  
4 out.

5 I mean everything is on the computer  
6 today, but did I read from start to cover a  
7 manual? No. Did I open up a manual and read  
8 anything, over my career? I can't imagine I  
9 didn't.

10 Q. Do you have an understanding now or at  
11 any point during your tenure at Brendamour  
12 Moving & Storage did you have an understanding  
13 about what the agency manual says about agents  
14 accurately reporting information regarding  
15 transactions into the Mayflower system?

16 A. Keep in mind in 2005, don't hold me to  
17 this date, but in 2005 my dad purchased the  
18 company, a company that he had that my brothers  
19 and I owned 10 percent of that we inherited, and  
20 he signed a whole new contract, agreement,  
21 whatever you want to call it with Mayflower, and  
22 that took anything that I signed over the years  
23 away, because dad signed a new contract with  
24 Mayflower.

25 And he died in 2015, and that's the only



1 reason my brothers and I own 33 and a third  
2 percent of the company, is because we inherited  
3 it equally.

4 Q. Sir, that wasn't responsive to my  
5 question, but I appreciate that.

6 A. Well, if you ask --

7 Q. My question is at any point in time --

8 A. Okay.

9 Q. -- sir, at any point in time were you  
10 familiar with what the agency manual says, if  
11 anything, about whether agents are required to  
12 accurately report information to Mayflower? Were  
13 you aware of what the agency manual says about  
14 that specific topic, yes or no?

15 A. I don't ever remember that, but I know  
16 when I was in charge I counted on my accounting  
17 people to be honest people and do it right, and  
18 nothing ever came up that we didn't do it right,  
19 so obviously, when I was in charge back in the  
20 since '91 when we bought the Mayflower of Ohio  
21 agency from Mayflower, I did it honest and  
22 correct.

23 Q. Okay. For the scheme, as we've talked  
24 about today, do you know who was responsible for  
25 entering the inflated charges into the Mayflower

1 system? As you sit here today, do you know the  
2 name of that person who entered inflated charges  
3 into the UniGroup system?

4 A. There's a good chance Paul Owens enters  
5 that stuff. I have no idea, to answer your  
6 question.

7 Q. Okay. Why do you believe that Mr. Owens  
8 would be the likely person that would have done  
9 that?

10 A. Because from what I understand --

11 MR. FINNEY: First of all, Hold on,  
12 that assumes a statement that's not in the  
13 record. I don't think he said it was likely. He  
14 said it may have been Paul Owens. He doesn't  
15 know. It's all speculation.

16 MR. LAMPING: You can answer the  
17 question, sir.

18 MR. FINNEY: Did you say likely?

19 A. What's the question again?

20 Q. (BY MR. LAMPING) Sir?

21 A. Yes.

22 Q. You said that, and we can have it read  
23 back, you testified that it was either probably  
24 or likely or may have been Mr. Owens that entered  
25 the inflated information into the UniGroup, or

1 Mayflower system. What was the basis for that  
2 testimony?

3 MR. LUEPKE: Objection, assumes  
4 facts not in evidence, misstates the testimony.

5 MR. FINNEY: Agreed.

6 Q. (BY MR. LAMPING) What was the basis for  
7 your testimony, sir?

8 A. I am just guessing. I mean if Paul has  
9 a lady or a man that sits in one of the offices  
10 nearby him and he tells them to input something,  
11 I wouldn't know that, but I guarantee you that  
12 whatever was inputted, Paul knows about, because  
13 Paul has admitted to the scheme.

14 Q. Do you know as you sit here today why  
15 Mr. Owens came up with this scheme?

16 A. Well, again, I've read the same thing  
17 that I think everybody listening today has read.  
18 Paul said that the company owed money, owed  
19 taxes, was struggling, and I think it said -- I'm  
20 guessing, I think it said something that he saw a  
21 way to bring in some profits to pay all of those  
22 bills off, including Mayflower.

23 Q. And what was the thing that --

24 A. At one time he owed Mayflower a half a  
25 million dollars, and that's been paid back.

1 Q. And one of the things that's been  
2 alleged in the lawsuit is that the genesis of the  
3 scheme, one of the reasons the scheme was  
4 developed is because Brendamour Moving & Storage  
5 owed money to the IRS. You've seen that alleged,  
6 correct?

7 A. I read it just like everybody else.

8 Q. And in fact, in one of the exhibits to  
9 the affidavit --

10 A. I even said that it's important that  
11 Paul pays that money, so I remember it being  
12 owed.

13 Q. You remember what being owed?

14 A. I remember that Paul had neglected to  
15 pay the IRS, or the government, and when I got  
16 some kind of notice in the mail or a phone call,  
17 I know what it was, I started getting phone calls  
18 from I think it was attorneys wanting to  
19 represent us on the tax money that was due.  
20 That's when I went in to Paul and found out that  
21 he hadn't been paying taxes.

22 Q. When did that happen?

23 A. Oh, geez, I don't know, 2005, '06, '07.

24 Q. Did Mr. Owens tell you why he had not  
25 been paying taxes?

1           A.     The company was not making enough money  
2     at that time to pay the taxes. He didn't tell me  
3     that. That's a given, I would think, for any  
4     company.

5           Q.     Now Mr. Owens has never been an owner of  
6     Brendamour Moving & Storage, correct?

7           A.     Correct.

8           Q.     What did Mr. Owens say, if anything,  
9     about how he was going to pay back the IRS what  
10    the company owed them?

11          A.     I didn't get involved in the accounting.  
12    I did my job, which was sales. I didn't, you  
13    know -- outside of work, I got along with my dad  
14    and my mom was a beautiful person.

15                Inside the office, my dad, and that's  
16    why even when I got my real estate license, I was  
17    going to work with my dad in the real estate  
18    company, and that didn't work out, and that's how  
19    I ended up being a helper on the moving trucks  
20    with Mayflower. I was not involved in that and  
21    cannot answer any question in that area, and I'm  
22    telling you the truth.

23          Q.     As you sit here today, do you have any  
24    belief as to how much Brendamour Moving & Storage  
25    owes to Mayflower as a result of the scheme?

1           A.     I know one thing, everybody involved  
2     here should get together and put an end to this  
3     lawsuit and work out a payment plan that  
4     Brendamour can pay, even though they dropped  
5     Brendamour.

6                 Brendamour is operating and probably  
7     making more money than they were because they  
8     didn't have to pay Mayflower a percentage.

9                 But, you know, to end this thing would  
10    be just to get with Paul and work out a payment  
11    plan and let Brendamour pay Mayflower back and  
12    drop me from the case. That's the most thing to  
13    me and my wife and my family. It's affected all  
14    of us.

15            Q.     Well, I can assure you that Mayflower  
16    accepts all forms of payment. My question, sir,  
17    was as you sit here today, do you know one way or  
18    the other or do you have an opinion or a belief  
19    as to how much Brendamour Moving & Storage owes  
20    to Mayflower as a result of the scheme?

21            A.     I have no idea.

22                   MR. LUEPKE:   Objection, lacks  
23    foundation.

24            A.     I can tell you this, Mayflower says one  
25    figure and Paul says another. Why don't they get

1 together and figure it out.

2 Q. (BY MR. LAMPING) What has Paul told you  
3 as far as what he believes Brendamour Moving &  
4 Storage owes to Mayflower?

5 A. I haven't asked Paul that. I've  
6 concentrated on Paul. Did you say something?  
7 Did you use my name, or didn't you? Those have  
8 been our conversations.

9 Because each time I think I'm going to  
10 be off of this case and my attorneys thought I  
11 was going to be off of it, it's gone on to the  
12 next level.

13 And then I'd call Paul again and say,  
14 "What do you mean, Paul? You were in an  
15 conference and my name came up again?"

16 And I tried, Julie tried to find out who  
17 said that. In fact, you know, you guys kept me  
18 in here, and of course, trust me, my attorneys  
19 are billing me and I'm the only one that the  
20 company is not paying for. Paul is being paid  
21 for. My brothers are being paid for. The  
22 company is being paid for by Brendamour Moving.  
23 I'm paying it personally, my wife and I, and it's  
24 costing our savings.

25 Q. What is the -- let me back up. Before

1 we went down that lovely rabbit hole, I want to  
2 go back and just make sure that I'm clear on the  
3 people that you talked to or the people that you  
4 have talked to regarding this lawsuit and your  
5 deposition, just to confirm that the only people  
6 that you have talked to is your counsel and  
7 Mr. Owens; is that fair?

8 A. No, my other two sons know what's  
9 happened. Like I said, the one son that's on  
10 full disability doesn't understand any of it, and  
11 doesn't, you know, but Jeff knows that I'm  
12 involved in his, and my other son, if you want  
13 their names are Scott and Jack, and of course,  
14 they know and they are hurting with their parents  
15 on this thing.

16 Q. Have you had any discussions --

17 A. Do I keep them informed week after week?  
18 No. They all know I'm here today.

19 Q. Okay. So other than your sons and  
20 Mr. Owens and your counsel, have you talked to  
21 anyone else just about the lawsuit or your  
22 deposition?

23 A. No, no. It's embarrassing.

24 Q. Tell you what, sir, we have been going  
25 almost an hour here. Maybe we'll just take a



1 short break and everyone kind of stretch their  
2 legs; is that fair?

3 MR. FINNEY: Sure, how long?

4 THE WITNESS: Make it short. I'm  
5 being charged.

6 MR. LAMPING: All right. Why don't  
7 we say 5 minutes.

8 THE WITNESS: Okay.

9 THE VIDEOGRAPHER: Going off the  
10 record. This ends Media 1. The time is 11:10  
11 a.m.

12 (Brief recess taken.)

13 THE VIDEOGRAPHER: Going back on  
14 the record. This begins Media 2. The time is  
15 11:19 a.m.

16 Q. (BY MR. LAMPING) Mr. Brendamour, a  
17 little while ago we talked about the amounts or  
18 the fact that Brendamour Moving & Storage owed  
19 money to the IRS back in or around 2005. Do you  
20 recall talking about that?

21 A. Yes.

22 Q. Do you know how that issue was resolved,  
23 if at all?

24 A. Yeah, when I walked into Paul's office  
25 and said, "Paul, what's this?" I never heard

1 another word about it. I never asked again. I  
2 never got another phone call from companies,  
3 trying to see if we needed help to reduce our  
4 debt, so Paul paid it.

5 Q. And --

6 A. I'm assuming Paul paid it. Now whether  
7 he had an account or somebody write out a check,  
8 you know what I'm saying.

9 Q. Yeah. There is an allegation in this  
10 case that at some point in time Brendamour  
11 Moving & Storage put an agency statement on hold.  
12 Are you familiar with that, that that allegation  
13 has been made in this case?

14 A. I don't understand what "putting an  
15 agency statement on hold" is.

16 Q. Okay. That was going to be my next  
17 question.

18 A. I've heard the term.

19 Q. I just want to be clear. Are you aware  
20 as you sit here today that the allegation has  
21 been made that at some point the agency statement  
22 was put on hold? Are you aware that that  
23 allegation has been made?

24 A. I still don't know what that means.

25 MR. FINNEY: The question is in the

1 Complaint, he says that claim was made. Did you  
2 read that paragraph or you --

3 THE WITNESS: Oh, I don't know.  
4 There have been so many things.

5 MR. FINNEY: You have no  
6 recollection of that?

7 THE WITNESS: I have no  
8 recollection of what you're talking about.

9 Q. (BY MR. LAMPING) Okay. But if I were  
10 to show you that allegation right here and now  
11 today, you have no idea what it means because you  
12 don't know what it means to put an agency  
13 statement on hold; is that fair?

14 A. That's very fair.

15 Q. Okay.

16 A. And if it's something that took place  
17 after my brothers bought me out, I would have  
18 never seen it anyway.

19 Q. And just let me make sure we're all on  
20 the same page. What year did your brothers buy  
21 you out?

22 A. I have sent you the contract that you've  
23 asked for that gives you the exact date. I think  
24 was it 2020?

25 Q. Okay.

1 A. Whenever it was. COVID and a few other  
2 things have taken place the last few years.

3 Q. Sure, and am I correct that you resigned  
4 from the company as I think President or an  
5 executive level officer in or around 2004, 2005;  
6 does that sound about right?

7 A. I actually have sent you the letter to  
8 my brothers and my mom and dad resigning, so that  
9 is correct.

10 Q. That time period is correct, give or  
11 take?

12 A. Yes.

13 Q. Okay. And so can you describe for me  
14 what, if any, day-to-day activities you had at  
15 Brendamour Moving & Storage between the time that  
16 you sent your resignation letter and then when  
17 you were ultimately out were bought out in or  
18 around November of 2020?

19 A. I was a salesperson, and I was a  
20 salesperson of one other -- I think the internet  
21 said, and I'm very upset with my dad that that's  
22 what he referred me to, but he called me, I  
23 think, his senior sales manager, and Brendamour  
24 had one other salesperson, that was my -- which  
25 he has been in the business for 20-something

1 years, he's still with the company, David Malloy,  
2 so he's 30 years into it, and there was no  
3 managing him, so basically my job was to handle  
4 my sales of the customers, local moves, office  
5 moves, library moves, long distance moves with  
6 Mayflower, at one time we did international  
7 moves, and that was it. I opened and closed.

8 Q. Were you employed as a salesperson  
9 during that entire, you know, 15-year period  
10 between the resignation and the buyout?

11 A. Yes, I was employed. I think I  
12 mentioned earlier today the only thing -- the  
13 only money I have ever collected from the company  
14 was my paycheck and a Christmas bonus of \$300  
15 with all the other employees.

16 Q. What were your primary responsibilities  
17 as a salesperson during that period of time?

18 A. To sell the orders sell the job, the  
19 local moves, sell the job the office moves and on  
20 so on. I was very good at it.

21 Q. What if any sales responsibilities did  
22 you have for logistics transactions?

23 A. I had no responsibilities. I did not  
24 sell logistics jobs.

25 Q. So is it fair to say the entirety of

1 your sales responsibilities involved household  
2 goods, transactions?

3 A. Office moves, household moves, correct.  
4 Just if it's something you're talking from 20  
5 some years ago, I think the first few years of  
6 Paul starting to sell, because we were at one  
7 time a total household move company, as Paul  
8 started building the logistics side, I think they  
9 put -- used my sales number for a little while  
10 until I found out, and then I think Paul started  
11 using his own sales number, or got a sales  
12 number, just so you're not trying to catch me in  
13 something there, but I did not sell those jobs at  
14 the very beginning of the company starting to do  
15 logistic work.

16 Q. On the jobs that you did work on,  
17 whether it's office moves or household moves, who  
18 would be the primary point of contact between the  
19 company and the customer? Would that have been  
20 you?

21 A. Oh, yes, yeah, 100 percent. I mean I  
22 had a lady that worked for many, many years.  
23 She's still there as a receptionist. She learned  
24 how to work with my customers, we worked as a  
25 team, but yes, it was my job to work with the

1 customers I sold.

2 Q. On the moves that you worked on, how  
3 would the customer invoices be generated?

4 A. Almost everything I worked on was  
5 generated through the Mayflower system, if it was  
6 a Mayflower order and Mayflower collected. I can  
7 tell you right now there was none of the  
8 household good orders that were ever a part of  
9 any scheme, because those orders were put in the  
10 system, and like all the other Mayflower United  
11 agents, that's controlled by Mayflower.

12 Q. For the moves that you worked on, who  
13 was responsible for entering information  
14 regarding those transactions into the Mayflower  
15 system?

16 A. Well, if it was a long distance move it  
17 would have been one of the ladies in our office.  
18 If it was a local move -- oh, you're only looking  
19 at Mayflower.

20 Since it was somebody -- I didn't know  
21 how to do it. You know, I learned how to do  
22 computer -- it says your battery is running low  
23 here.

24 Q. And I just want to be clear, there are  
25 transactions that an agent can handle that don't

1 necessarily involve Mayflower, that aren't sort  
2 of registered with Mayflower; is that accurate to  
3 your understanding?

4 A. If you can hear me, they just plugged  
5 the battery in and you lost me.

6 Q. Okay. Let me start over. Can you hear  
7 me now?

8 (Off the record discussion.)

9 THE REPORTER: Bethany, you may as  
10 well go off.

11 THE VIDEOGRAPHER: Mr. Lamping, do  
12 you want me to go off the record?

13 MR. LAMPING: Sure.

14 THE VIDEOGRAPHER: Going off the  
15 record. This ends Media 2.

16 MR. FINNEY: We're back.

17 THE WITNESS: They are going to get  
18 a cord to plug me in.

19 THE VIDEOGRAPHER: Do you want to  
20 just stay on the record then?

21 MR. FINNEY: If you don't mind,  
22 yeah.

23 THE VIDEOGRAPHER: Mr. Lamping, are  
24 we going to stay on the record?

25 MR. LAMPING: We can stay on. It



1 doesn't matter to me.

2 THE VIDEOGRAPHER: I was in the  
3 middle of reading off and then they came back on.

4 MR. LAMPING: Okay.

5 THE VIDEOGRAPHER: So I didn't  
6 actually finish.

7 MS. GUGINO: Hold on a second.

8 THE WITNESS: There's the  
9 conference room.

10 (Off the record discussion.)

11 MR. FINNEY: Are we back? Can you  
12 guys hear? We're ready to roll.

13 MR. LAMPING: I'm here.

14 THE WITNESS: I'm not looking at  
15 myself. I'm looking at the conference room.

16 THE VIDEOGRAPHER: I need to put  
17 the spotlight back on the witness. One moment,  
18 please.

19 THE WITNESS: All right.

20 Q. (BY MR. LAMPING) Can you hear me, sir?

21 A. I can hear you.

22 Q. Great. At any point in time when you  
23 had responsibilities for the business of  
24 Brendamour Moving & Storage did you have, have  
25 you ever had any role whatsoever in logistics

1 transactions?

2 MR. FINNEY: Mike, listen to the  
3 timeframe he's asking you about. Can you restate  
4 the question so we're clear on the timeframe  
5 you're asking about.

6 Q. (BY MR. LAMPING) At any point in time  
7 have you ever had any responsibility at all in  
8 connection with logistics transactions?

9 A. No, none.

10 Q. While you were at Brendamour Moving &  
11 Storage, either as an owner, an executive or a  
12 salesperson, who was primarily responsible for  
13 the sales component of logistics transactions?

14 A. Paul Owens.

15 Q. And do you know who some of the largest  
16 logistics customers were for Brendamour Moving &  
17 Storage while you were at -- during the time you  
18 were at the company?

19 MR. LUEPKE: Objection, no  
20 foundation.

21 A. That's, I mean Mayflower knows the  
22 names. I mean my gosh, Red Box, Amazon, Teamy,  
23 there were lots of -- yeah, the company does all  
24 kinds and still to this day of vending machines  
25 and kiosks.

1 Q. (BY MR. LAMPING) As you sit here  
2 today --

3 A. And the warehouses are full of them. I  
4 can just read the names as I walk by in the  
5 warehouse.

6 Q. Sure. As you sit here today, do you  
7 know how the pricing would be set for logistics  
8 transactions involving, say, Amazon or Red Box?

9 A. Not, no, nothing.

10 Q. To the best of your knowledge was  
11 Mr. Owens responsible for setting prices  
12 associated with Amazon or Red Box transactions?

13 A. As far as I know.

14 Q. And if we wanted to know how Amazon or  
15 Red Box orders were originated and how the terms,  
16 the pricing terms were set, to the best of your  
17 knowledge we would need to ask Mr. Owens?

18 A. Yes.

19 Q. Going back, I had asked you a question  
20 essentially wanting to know who you knew to the  
21 best of your knowledge would have been  
22 responsible for entering information regarding  
23 logistics transactions into the Mayflower system,  
24 and you gave me two first names, Vicki and Chuck.  
25 Do you recall that?

1           A.     Yes, and I don't even know if Vicki is  
2     the name. I stopped at that point because  
3     there's been four or five ladies over the  
4     20-something years, and Chuck, who passed away.

5           Q.     Okay. During your time at Brendamour,  
6     Brendamour Moving & Storage, at any given time  
7     how many different people would be involved in  
8     entering information into the Mayflower system  
9     for logistics transactions?

10           MR. FINNEY: Objection, asked and  
11     answered.

12           Q.     (BY MR. LAMPING) And just let me  
13     clarify. I'm trying to understand if this was a  
14     job that only one person handled, multiple  
15     people, and I'm specifically talking about the  
16     act of entering data into the Mayflower system  
17     regarding logistics transactions; so is that  
18     something that one person or multiple people  
19     would handle at a given time or did it vary?

20           A.     The office wasn't that big. There had  
21     been a couple of people, I guess, over the years,  
22     but keep in mind there are also, there were  
23     logistic orders that there was no accessorial, so  
24     it was just a -- and those weren't part of the  
25     scheme.

1 Q. Yeah.

2 A. So the dispatcher would put those in.  
3 One of the ladies could have done that. I don't  
4 think the accounting person that, you know,  
5 billed the local storage and local moves and so  
6 on would have done it, but again, I can't imagine  
7 Paul not having the knowledge to do it.

8 Q. So I'm just talking about the  
9 transactions that were part of the scheme, okay.  
10 What is the job title of the person who would  
11 have physically entered information into the  
12 Mayflower system?

13 A. By now you've found out that this  
14 company was a -- they had just a lot of good, and  
15 still does, a lot of hard working people. There  
16 really weren't job titles, so it was just a lady  
17 or a man that did his job or her job at a  
18 computer, inputting whatever they were told to  
19 input and do whatever job they were told to do.

20 Q. And who did that man or woman report to?

21 A. Everybody reports to Paul. I reported  
22 to Paul.

23 Q. Okay.

24 A. And Paul has even I think mentioned that  
25 in something that we discussed and shared with

1 you that I --

2 Q. Yeah?

3 A. I reported to Paul. Everyone reports to  
4 Paul.

5 Q. So it's your testimony that --

6 A. Even when my dad was alive, dad wasn't  
7 even part of running the company, and of course,  
8 my brothers today aren't part of running the  
9 company. Paul runs the company.

10 Q. So it's your testimony that the  
11 transactions that were part of the scheme, for  
12 the transactions that were part of the scheme,  
13 whoever manually entered information into the  
14 Mayflower system would have been reporting up to  
15 Mr. Owens?

16 A. I mean basically, yeah. I mean  
17 everybody, even the warehouse. I mean, okay, the  
18 office people report to, and the management  
19 people report to Paul. The warehouse guys that  
20 load and unload the trucks or whatever report to  
21 my son Jeff, and my son Jeff reports to Paul,  
22 so --

23 Q. And I'm just trying to make sure --

24 A. Right now, the truck drivers reported to  
25 their dispatcher, and their dispatcher reports to

1 Paul, so he --

2 Q. Just to be clear, I'm not asking about  
3 the truck drivers. I just want to be very clear.  
4 It's your testimony that the folks who would have  
5 been responsible for manually entering data into  
6 the Mayflower system regarding the transactions  
7 that were part of the scheme would have reported  
8 to Mr. Owens?

9 A. They wouldn't have known they were doing  
10 any scheme.

11 Q. I'm not asking, sir, if they did  
12 anything wrong. I'm asking who they reported to.

13 A. Every employee in the office reports to,  
14 and did for over 20 years, Paul.

15 Q. Including the folks who entered data  
16 into the Mayflower system regarding the  
17 transactions and the scheme?

18 A. They would have worked in the office and  
19 they would have reported to Paul.

20 Q. Was there anybody in between those folks  
21 and Mr. Owens, so for example, did they report to  
22 somebody who then reported to Mr. Owens, or was  
23 there a straight-line report directly to  
24 Mr. Owens?

25 A. This was a small office with 5 or 6

1 people. Everybody reports to Paul.

2 Q. During the 15 years or so where you  
3 worked as a salesperson/owner, you know, 2005-ish  
4 to 2020, what type of financial reports did you  
5 receive regarding the company's performance?

6 A. None.

7 Q. Did you know --

8 A. I wasn't interested in them. I wouldn't  
9 have known how to read them truthfully, wouldn't  
10 have known how to read them anyway.

11 Q. And is it true, would you agree that at  
12 some point in time logistics moves started to  
13 become a very significant part of Brendamour  
14 Moving & Storage's business?

15 A. Oh, my gosh, yes.

16 MR. FINNEY: Objection, lack of  
17 foundation.

18 A. We -- Brendamour quit doing co-ops for  
19 other Mayflower agents. Brendamour quit doing  
20 international. Brendamour stopped doing  
21 household moves, that we couldn't put in the  
22 system and someone else haul, so, yeah, as  
23 logistics took over the company, the house -- and  
24 that's one of the reasons I decided it was time  
25 to retire and move on with my life.



1 Q. (BY MR. LAMPING) At what point in  
2 time --

3 A. And we stopped doing household storage.  
4 Can you imagine a moving company not doing  
5 household storage?

6 Q. I don't think there's a disagreement on  
7 this point, but you agree that at some point  
8 logistics business became the central focus of  
9 the company's operations?

10 A. I agree.

11 Q. Who made that decision going to sort of  
12 pivot in that direction?

13 MR. FINNEY: Objection, lack of  
14 foundation.

15 A. Paul.

16 Q. (BY MR. LAMPING) If you know.

17 A. Paul.

18 Q. Were you present or do you have  
19 knowledge, do you have personal knowledge of any  
20 discussions regarding making the logistics  
21 business a central focus of Brendamour Moving &  
22 Storage?

23 A. Yeah, for years I complained because I  
24 didn't want to give up the household goods side.  
25 That was how I started again, as a helper and a

1 packer and a driver and a salesperson for Al Nash  
2 Mayflower, it was in my blood, but how do you  
3 argue when they are making more money, the  
4 company was making more money doing logistics  
5 than it was household?

6 So I lost the argument, and as I was  
7 approaching 70 years of age, you know, they are  
8 all in their 40s and 50s.

9 Q. Well, isn't it true that -- well, if you  
10 can tell me, other than yourself did anyone else  
11 say maybe offer a dissenting voice as far as  
12 pivoting primarily to the logistics side, and not  
13 being as heavily involved in household goods?

14 A. Paul, you know, in other words, we  
15 needed the room. The household goods, I mean the  
16 list goes on, less packing material taking up  
17 room, less storage vaults taking up storage,  
18 less -- you know, it needed that room as the  
19 company needed room for all the different kiosks  
20 and vending machines that were coming in.

21 I mean at one time there were 40, 50,  
22 trailers out on the lot because there was no room  
23 in the warehouses.

24 Q. And am I correct that, I mean this seems  
25 intuitive, but am I correct that the reason the

1 company decided to say pivot more to the  
2 logistics transactions, is because there was a  
3 belief that that would be more profitable for the  
4 company than being more primarily a household  
5 goods company; is that fair?

6 A. I would think that's fair for any  
7 company that does logistics, and I know there's  
8 numerous companies in the Mayflower United  
9 systems that stopped doing household goods and  
10 started doing more logistics.

11 Q. Sure.

12 A. I can name some.

13 Q. And although you may have preferred to  
14 continue to have a significant presence in the  
15 household goods sort of sector, you would  
16 acknowledge as I think you did earlier that the  
17 logistics business was very profitable for  
18 Brendamour Moving & Storage?

19 A. I mean, yeah, it was profitable.

20 Q. And the company's profitability, or that  
21 profitability associated with the logistics  
22 transactions occurred while you had an ownership  
23 interest in Brendamour Moving & Storage, correct?

24 A. Well, it still kept happening after I  
25 sold the company to my brothers, until Paul went

1 to Louisville.

2 Q. Just let me make sure we're clear.

3 Well, I'll move on.

4 A. Well, I can't imagine -- I mean that was  
5 a given question.

6 MR. FINNEY: Mike, there's no  
7 question on the table. There's no question on  
8 the table. Please ask your next question. Let's  
9 go.

10 Q. (BY MR. LAMPING) You testified earlier  
11 that Brendamour Moving & Storage is paying  
12 Mr. Owens' legal fees in this case. What is the  
13 source of your knowledge on that point?

14 A. Isn't one of the Brendamour's attorneys  
15 listening today?

16 Q. I'm just asking you, sir, you testified  
17 that Brendamour Moving & Storage is paying  
18 Mr. Owens' legal fees, and they are not paying  
19 your legal fees. I'm just wondering what is the  
20 factual basis for your belief that Brendamour  
21 Moving & Storage is paying Mr. Owens' legal fees?

22 A. I hadn't heard anything different.

23 Q. Well, has anyone ever told you that that  
24 was, in fact, the case?

25 A. No, I have not heard that.

1 Q. Have you ever had a conversation with  
2 any of Mr. Owens' attorneys?

3 A. I personally, yes, the very -- at the  
4 very beginning when I was hoping that my brothers  
5 were going to pay my attorney's fees, and I asked  
6 to have my attorney who has been with me through  
7 22 years, not criminal cases, but we have real  
8 estate and a will, and I can go on, and the  
9 different things that Chris Finney who is sitting  
10 here right now had done for me, I asked my  
11 brothers if he could at least be part of and  
12 watch out for me.

13 And my brothers got upset with that and  
14 said, "You're on your own," and that's how that  
15 took place. If not, I would be -- they would be  
16 paying my bill if I had not asked permission for  
17 Chris to watch over what was happening to my wife  
18 and I.

19 Q. Okay. So your understanding is that the  
20 company would be paying your legal fees if you  
21 had agreed to have been represented by one of the  
22 company's lawyers, and not Mr. Finney and his  
23 firm?

24 A. My brothers didn't want to do it,  
25 because again at that point they felt like I, you

1 know, knew about it, and they didn't like the  
2 idea then that they had said to -- they didn't  
3 want to say they would pay for it.

4 I argued with them quite a bit, begging  
5 them, and when they said no, Chris could not be  
6 part of it, they would not pay Chris, I chose to  
7 make sure that I had someone helping me out and,  
8 of course, Chris and I didn't think, and Julie  
9 got involved, did not think that I would be in it  
10 at this point still.

11 Q. Who, if anyone, did your brother -- let  
12 me strike that. What, if anything, have your  
13 brothers told you about who they believe were  
14 originally responsible for the scheme?

15 A. My brothers have not talked to me  
16 through this whole thing.

17 Q. Have you had any conversations with  
18 anybody, outside of your counsel, regarding the  
19 identity of the persons or person who was  
20 originally responsible for the scheme?

21 A. I've already told you my 4 sons, minus  
22 Ryan, is one that -- my three healthy sons know  
23 about it. That's it. I'm sure they told their  
24 wives.

25 Q. So has anybody -- strike that. Have you

1 ever been a part of a conversation, excluding  
2 conversations with counsel, where someone other  
3 than Mr. Owens was identified as the person who  
4 developed the scheme?

5 A. No. Paul Owens has admitted to  
6 everybody from what I understand.

7 MR. FINNEY: But Mike, that's not  
8 the question he asked. Hold on, that's not the  
9 question he asked you.

10 A. No, I have not heard that anybody else  
11 was part of the scheme.

12 Q. (BY MR. LAMPING) So you understand that  
13 Mayflower has taken the position that Mr. Owens  
14 has pointed the finger at you as the one who  
15 originally came up with the scheme. You're aware  
16 that that is Mayflower's position?

17 MR. FINNEY: It's a yes or no  
18 question.

19 A. Yes, I've heard that.

20 MR. FINNEY: Next question. Go  
21 ahead.

22 Q. (BY MR. LAMPING) Okay, and as we  
23 established, it's your testimony under oath that  
24 Mayflower is just wrong, that you were not the  
25 initiator of the scheme, fair?

1           A.     Tim Grimes worked for Mayflower, yes.  
2     It's fair to say.

3           Q.     Okay. You are aware that -- and I think  
4     you alluded to it earlier, there was a video call  
5     about a month or so after Mr. Owens' dinner with  
6     Tim Grimes where the topic of the scheme was  
7     discussed.

8                     MR. FINNEY: You're talking about  
9     the phone call with the clients, is that what  
10    you're talking about?

11                    THE WITNESS: Yes.

12                    MR. FINNEY: Hold on, just was  
13    there a call? That's the question.

14           A.     Yes, I'm aware of that call.

15                    MR. FINNEY: Yes.

16           Q.     (BY MR. LAMPING) Okay, and you are  
17    aware that at least it is Mayflower's position  
18    that during that call, Mr. Owens again blamed you  
19    for the origination of the scheme?

20           A.     That's what we're going to find out,  
21    because Paul Owens has told me he's never said  
22    that in that meeting and to Tim Grimes.

23                    Now he did say to Tim Grimes -- or Tim  
24    Grimes did say, since I have known him for so  
25    many years: "How is Mike doing?"



1           And Paul said, "He's fine, he's  
2     retired," and that's the only thing Paul said  
3     ever came up with my name in Louisville.

4           Q.     Okay.

5           A.     And I don't know the facts of that  
6     meeting between Mayflower and my brothers and  
7     Paul.

8           Q.     Have you had any conversations with your  
9     brothers about what went on during that call?

10           MR. FINNEY: Asked and answered.

11           A.     I have not talked to my brothers to -- I  
12     understand there was some lady that did the --  
13     that recorded that meeting.

14                   I'd love to hear where it says that Paul  
15     said it, because at that meeting that they had,  
16     somebody was recording it. Can everyone listen  
17     to that?

18           Q.     (BY MR. LAMPING) I'll get to that in a  
19     minute. Have you talked to your brothers about  
20     what went on?

21           MR. FINNEY: Hold on, listen to the  
22     question.

23           A.     No.

24           Q.     (BY MR. LAMPING) Let me finish my  
25     question, Chris.

1           A.     I've not answered, I have not talked to  
2 my brothers.

3           Q.     About that call. All right?

4           A.     I have not talked to them about that  
5 call.

6                     MR. FINNEY: He's never talked to  
7 his brothers about any of this, including that  
8 call. Next question.

9           Q.     (BY MR. LAMPING) Who told you that  
10 somebody recorded that call?

11          A.     Julie? Was that you?

12          Q.     Well, I don't want to know what your  
13 counsel has told you. If anyone has a recording,  
14 we'd love to see it.

15          A.     I don't remember.

16                     MR. FINNEY: Next question.

17          A.     Wait a minute, it was on some of the  
18 paperwork. I saw her name. I saw her last name.  
19 It's somewhere in -- I read it from something  
20 that somebody wrote. Mayflower's attorney or  
21 Brendamour's attorney put that in writing, in her  
22 first name, that she recorded in the video to me.  
23 That's where I finally found it.

24                     MR. FINNEY: Great, next question.

25          Q.     (BY MR. LAMPING) Let me switch gears

1 for a minute. Are you familiar with a company  
2 called Brendamour Logistics, L.L.C.?

3 A. I wasn't, again I wasn't privy to it.  
4 They landed an Ikea account up in Pittsburgh is  
5 what I have found out over the years, and in  
6 order to set up the payroll --

7 MR. FINNEY: It's a simple  
8 question. Have you heard of Brendamour  
9 Logistics?

10 THE WITNESS: Oh, okay, yes, I have  
11 heard of Brendamour Logistics.

12 MR. FINNEY: Okay. Next question.

13 MR. LAMPING: You know what,  
14 Chris, you don't have to say, "Next question,"  
15 after every question. All right. Act like you  
16 have been in a deposition before, okay. I know  
17 you have been doing this longer than I have, I  
18 assume.

19 Q. (BY MR. LAMPING) All right,  
20 Mr. Brendamour, during your time as either an  
21 employee or owner for Brendamour Moving & Storage  
22 what role, if any, did Brendamour Logistics play  
23 on logistics transactions?

24 A. Repeat that, please.

25 Q. Sure. Do you have an understanding what

1 if any, role Brendamour Logistics had on  
2 logistics transactions for Brendamour Moving &  
3 Storage, specifically transactions involving  
4 Amazon and Red Box?

5 A. Only by being around, I think the  
6 Brendamour Logistics account, the name was only  
7 used in Pittsburgh only, and when Pittsburgh  
8 closed, it was never used for any transaction of  
9 any type. I could be wrong.

10 Q. Okay. I'm going to mark a depo exhibit,  
11 the depo notice, and publish it. All right,  
12 Mr. Brendamour we are going to publish our first  
13 exhibit. Let me know, please, when it pops up on  
14 your screen.

15 (Exhibit 1 was marked by the  
16 reporter for identification.)

17 MR. FINNEY: We're not seeing  
18 anything.

19 Q. (BY MR. LAMPING) Does the witness have  
20 the Exhibit Share platform pulled up?

21 MR. FINNEY: I tried to log in  
22 through whatever link you gave me. It didn't  
23 work. We ended up going in through Zoom, so I  
24 have no idea about the technology, but the  
25 technology provided us was totally inadequate,

1 and I have no e-mail from you.

2 MR. LAMPING: All right. Christine  
3 is going to e-mail you a copy.

4 MR. LUEPKE: Could you please  
5 e-mail a copy to me, as well. I don't see it on  
6 my screen either.

7 MR. LAMPING: Sure.

8 MR. LUEPKE: Thank you.

9 MR. LAMPING: It's the Deposition  
10 Notice, for everyone's convenience.

11 MR. LUEPKE: You bet.

12 A. I'm reading it now.

13 Q. (BY MR. LAMPING) Okay. Mr. Brendamour,  
14 do you have, are you reading or looking at a  
15 Notice of Deposition that is what brings us here  
16 today?

17 A. I am looking at it.

18 Q. Have you seen that before?

19 A. Let me read it. Okay, I just read it.

20 MR. FINNEY: The question is have  
21 you seen that before?

22 THE WITNESS: Yes, Julie sent that  
23 to me.

24 MR. FINNEY: Yes, he's seen it.

25 Q. (BY MR. LAMPING) All right. Let's

1 e-mail them -- you can set that aside and we'll  
2 mark that as Exhibit 1, and we're going to be  
3 e-mailing you guys another document here in a  
4 minute. Please let me know when you receive it.

5 (Off-the-record discussion.)

6 MR. FINNEY: No document has come  
7 through, no e-mail, no exhibit.

8 MR. LAMPING: Henry, have you  
9 received yours?

10 MR. LUEPKE: No, I have not yet  
11 received it either. I've got it now.

12 MR. FINNEY: Nothing. Do you want  
13 us to break for lunch, and you can send us all  
14 the exhibits. What are we doing?

15 Okay, we have another exhibit that's an  
16 e-mail. It's a multi-page e-mail. Do you want  
17 us to start at the bottom or do you want us to  
18 start at the top, what do you want us to do?

19 MR. LAMPING: You can start at the  
20 bottom.

21 MR. FINNEY: The first e-mail down  
22 here, Mike. Can you read that from where you're  
23 sitting? Is this going to be marked as a certain  
24 exhibit?

25 THE WITNESS: These are e-mails

1 that I sent to Julie --

2 MR. LAMPING: Yeah.

3 THE WITNESS: -- and said that she  
4 could send to you all, so it's not a surprise I  
5 haven't read them.

6 Q. (BY MR. LAMPING) I appreciate it, and  
7 these are going to be marked as, this document  
8 marked as Exhibit 2. The Exhibit Share platform  
9 automatically marks them. We will make sure all  
10 counsel have the marked copies. But in the  
11 meantime, we will just go off of this one.

12 So Mr. Brendamour, am I correct that the  
13 first e-mail chain at the bottom of Exhibit 2 is  
14 an e-mail from Mr. Owens to you on Sunday,  
15 July 9th at 7:58 a.m.; is that right?

16 A. Yes.

17 Q. And the subject is, "Re: UniGroup, C.A.  
18 and Mayflower Transit, LLC v. Brendamour Moving &  
19 Storage, Inc., et al.;" is that right?

20 A. Yeah.

21 Q. And you understand generally when  
22 someone replies to an e-mail, the subject will  
23 have a "Re:" on it, right?

24 A. I don't know what that means, but okay.

25 Q. Okay.

1 MR. FINNEY: Well, if you don't  
2 know, the answer is I don't know.

3 THE WITNESS: What's a "Re:"?

4 MR. FINNEY: "Re:" right here.

5 THE WITNESS: Oh, I never pay any  
6 attention to that. Now I know what that means.

7 Q. (BY MR. LAMPING) Do you know if there  
8 was an earlier e-mail as part of this thread  
9 between you and Mr. Owens that we did not  
10 receive?

11 A. I couldn't tell you that, but I don't  
12 think so. I think it was Paul -- I called Paul  
13 and said, in the interests of --

14 MR. FINNEY: Just answer the  
15 question. You don't know.

16 A. Oh, okay. What was the question? I  
17 don't know if there was. No, I don't think so.

18 Q. (BY MR. LAMPING) Okay. So in this  
19 e-mail Mr. Owens says to you -- by the way, do  
20 you remember receiving this e-mail?

21 A. Yes.

22 Q. In this e-mail Mr. Owens --

23 A. I'm the one that sent this e-mail, yes.

24 MR. FINNEY: Next question.

25 Q. (BY MR. LAMPING) In the e-mail



1 Mr. Owens states, "In the interest of not  
2 ignoring this, I did all I can do by meeting with  
3 you in the conference room @ Bmay recently. My  
4 position has not changed." Did I read that  
5 correctly?

6 A. Correct.

7 Q. And what meeting is Mr. Owens referring  
8 to in his e-mail?

9 A. Well, when I found out that I received  
10 this package from Mayflower, UniGroup at the  
11 time, I called him and he told me he never sent  
12 anything.

13 And then I guess that meeting took place  
14 that we were just talking about a little bit ago,  
15 so I called him again and said, "Why did my name  
16 come up again?"

17 Q. Did you actually have a meeting, a  
18 physical meeting with Mr. Owens at Brendamour?

19 A. That's what that says.

20 Q. Well, did it happen?

21 A. Yes.

22 Q. Who all was in that meeting?

23 A. Paul and myself, which I stated a long  
24 time ago in this, on this today.

25 Q. And this e-mail is dated July 9th.

1 Mr. Owens says that the meeting happened  
2 recently.

3 Do you know how many days before this  
4 e-mail you met with Mr. Owens at Brendamour?

5 A. No, I don't remember that. I mean no.

6 Q. Do you have any notes that would reflect  
7 what was discussed during your meeting with  
8 Mr. Owens?

9 A. No. I have no notes.

10 Q. Did you bring any documents to that  
11 meeting?

12 A. No, I brought no documents.

13 Q. Did Mr. Owens bring any documents to  
14 your knowledge?

15 A. No, he did not.

16 Q. How long did the meeting last?

17 A. I don't remember, half an hour. It was  
18 just a conference room across from Paul's office.

19 Q. Did anyone else join you two during that  
20 meeting?

21 A. Nobody else joined me.

22 Q. Was anyone else on the phone on a  
23 conference call, a conference line?

24 A. Nobody was on the phone or on a  
25 conference line.

1 Q. All right. And I assume during that  
2 meeting Mr. Owens told you that he did not blame  
3 you for the scheme as reflected in the Complaint;  
4 is that right?

5 A. He's saying it a second time, that he  
6 did not, correct.

7 Q. But he did acknowledge that the scheme  
8 actually did happen.

9 A. He's acknowledged that to you.

10 Q. Well, I'm asking you did he acknowledge  
11 that to you during that meeting?

12 A. I would imagine we talked about the  
13 scheme. That's what I -- that's what the lawsuit  
14 states.

15 MR. FINNEY: No.

16 MR. LAMPING: I'm just asking.

17 MR. FINNEY: Did he discuss it?  
18 Yes, no, or I don't remember.

19 A. I don't remember, I don't remember.

20 Q. (BY MR. LAMPING) Okay. Do you remember  
21 anything else about what you and Mr. Owens  
22 discussed during that meeting?

23 A. No. It didn't last very long. I just  
24 needed to hear him say it again.

25 Q. All right. And then if we go --

1           A.     I want to finish reading that e-mail.    I  
2     know I've --

3                   MR. LAMPING:    Sure.

4                   MR. FINNEY:    He wants to read all  
5     of it, so we're going to go through it a little  
6     bit at a time, and it might take awhile.   Tell me  
7     when you're ready for me to scroll up again,  
8     Mike.

9                   THE WITNESS:   Okay.

10                  MR. FINNEY:    I'll scroll up to the  
11     next page.   When you're done with that, let me  
12     know and I'll scroll up to the next page.

13                  THE WITNESS:   Okay, do you have any  
14     questions on this page?

15                  MR. FINNEY:    No, no.

16                  THE WITNESS:   Am I supposed to read  
17     it.

18                  MR. FINNEY:    You said you wanted to  
19     read the whole thing.   I'm going to let you read  
20     the whole thing and then we'll go back and answer  
21     his questions.   When you're done reading, which  
22     is going to take awhile, then he'll start asking  
23     you questions about it again.

24                  Q.     (BY MR. LAMPING)   I actually just have  
25     one more question, and it's at the e-mail at the

1 top of the exhibit, so after you've read the  
2 whole thread, you can go ahead and stop at the  
3 top.

4 MR. FINNEY: Are you ready for the  
5 next one?

6 THE WITNESS: I want to read the  
7 red stuff that Paul wrote back.

8 MR. FINNEY: Take your time.

9 THE WITNESS: I started reading the  
10 other one again. Okay.

11 That was something I sent to Julie that  
12 she sent to you in red that Paul wrote.

13 MR. FINNEY: That's not what he's  
14 asking.

15 THE WITNESS: Ask the question.

16 MR. FINNEY: There's no question on  
17 the table and you're not done reading yet.

18 THE WITNESS: I'm done reading now.

19 MR. FINNEY: No, keep going up,  
20 you're going to read everything and then you're  
21 going to answer a question. So when you're done  
22 with that page, let me know and I'll scroll up  
23 some more.

24 THE WITNESS: Okay, go ahead. Yes,  
25 I wrote that to Paul.

1 MR. FINNEY: Don't say a word.  
2 Just tell me when you're ready to scroll up  
3 again. Ready?

4 THE WITNESS: Yes. Okay.

5 MR. FINNEY: That's it. So now he  
6 wants to ask you a question about this one  
7 apparently, so go ahead.

8 THE WITNESS: Okay.

9 Q. (BY MR. LAMPING) All right. Just to  
10 make sure we're on the same page I am at the top  
11 e-mail of Exhibit 2, which is from Paul Owens to  
12 you on October 4th at 11:24 a.m. Are you on that  
13 e-mail?

14 A. I am.

15 Q. Okay, and do you see the middle  
16 paragraph of that e-mail where it states, "As I  
17 have stated many times over, I, at no time, in  
18 the presence of anyone from Mayflower placed any  
19 blame nor any responsibility for this on anyone  
20 other than myself." Did I read that correctly?

21 A. Yes.

22 MR. FINNEY: Tell you what you can  
23 do to save you a lot of time, is you don't need  
24 to read these e-mails. They say what they say.  
25 We'll agree that it says what it says.

1 MR. LAMPING: Chris, hey, Chris,  
2 let me take my deposition, you'll object to form.  
3 This is absurd.

4 Have you ever litigated in Federal  
5 Court? Do you know how a deposition works,  
6 Chris? All right, let me ask my damn questions  
7 and you object to form and you can stop your  
8 speaking objections. All right? This is absurd.

9 Q. (BY MR. LAMPING) All right,  
10 Mr. Brendamour?

11 A. Yes.

12 Q. Does the statement from Mr. Owens in  
13 this e-mail about him not blaming anyone other  
14 than himself, does that refresh your recollection  
15 on whether Mr. Owens had ever acknowledged to you  
16 that he was responsible for the fraud?

17 MR. LUEPKE: I'm sorry, could you  
18 repeat that, was he responsible for the what?

19 A. Yes, yes, that reads perfect. Paul is  
20 saying he's the responsible party.

21 Q. (BY MR. LAMPING) And did he admit that  
22 to you, that he was responsible for the fraud?

23 A. In writing.

24 Q. Of course, other than this e-mail had  
25 Mr. Owens ever communicated to you that he was

1 responsible for the fraud?

2 MR. LUEPKE: I object, calls for a  
3 legal conclusion.

4 THE WITNESS: I don't remember.

5 MR. LUEPKE: Misstates the e-mail  
6 and is beyond the scope of this witness'  
7 knowledge. I object to the term, in particular,  
8 fraud. That calls for a legal conclusion.

9 Q. (BY MR. LAMPING) Sure, let me use the  
10 word "scheme" which is how we have been referring  
11 to it today.

12 Except for this e-mail, had Mr. Owens  
13 ever communicated to you that he was responsible  
14 for the scheme?

15 A. I don't remember. Yeah, I don't  
16 remember.

17 Q. Okay. All right, let's go ahead. Do  
18 you want to e-mail him the affidavit. All right,  
19 we're going to be e-mailing another exhibit here  
20 and publishing it into Exhibit Share for the  
21 court reporter to be marked.

22 MR. FINNEY: Let me know when I can  
23 close that Exhibit 2. Are we done with that?

24 MR. LAMPING: You can close Exhibit  
25 2. Go ahead and e-mail him the interrogatories,



1 too.

2 MR. FINNEY: We have something  
3 marked up as Exhibit A. Is that going to be  
4 Exhibit 3 for the purposes of this deposition?

5 MR. LAMPING: It is, and then  
6 Christine is going to go ahead and e-mail the  
7 next exhibit, and what probably is going to be  
8 the last exhibit, as well. Do you have Exhibit  
9 3?

10 MR. FINNEY: It's right up on the  
11 screen. What do you want to know?

12 (Exhibit 3 was marked by the  
13 reporter for identification.)

14 Q. (BY MR. LAMPING) All right,  
15 Mr. Brendamour you have been e-mailed what was  
16 marked as Exhibit 3 for this deposition, what was  
17 marked as Exhibit A to a Motion To Dismiss that  
18 was filed in this case, and do you recognize this  
19 as an Affidavit that you submitted in this case?

20 A. Yes.

21 Q. And is everything in this affidavit true  
22 and accurate to your knowledge?

23 MR. FINNEY: Why don't you give him  
24 a minute to read it through so he can familiarize  
25 himself.

1 MR. LAMPING: Sure.

2 MR. FINNEY: Mike, let me know when  
3 you're done with the first page and I'll scroll  
4 down.

5 THE WITNESS: Okay.

6 MR. FINNEY: Are you ready?

7 THE WITNESS: Uh-huh.

8 MR. FINNEY: Are you familiar with  
9 this, the last page?

10 THE WITNESS: I am familiar with  
11 it.

12 MR. FINNEY: Are you familiar with  
13 this?

14 THE WITNESS: Everything in it is  
15 true.

16 Q. (BY MR. LAMPING) Let me ask again. Is  
17 everything in this affidavit true and correct to  
18 the best of your knowledge?

19 A. To the best of my knowledge everything  
20 is true and accurate.

21 Q. Did you read this affidavit while you  
22 were -- during your preparation for the  
23 deposition today?

24 A. No, I didn't read anything for today.

25 Q. Okay, and then if we look at Exhibit 1,

1 I'm just going to have you identify Exhibit 1 to  
2 this affidavit. You can see a letter that you  
3 sent to --

4 MR. FINNEY: Do you see what was  
5 marked as Exhibit 1? And we'll go ahead and  
6 scroll. Hold on. Take your time on that one.  
7 Let me know when you're ready for the next  
8 screen.

9 A. Oh, my, yes, that's an e-mail to my  
10 family.

11 Q. (BY MR. LAMPING) Yeah. This is a memo  
12 or an e-mail or a communication of some sort  
13 dated June 14th of 2004?

14 A. Yeah, it might not have been an e-mail  
15 back then. Okay, go ahead.

16 Q. And is that your signature that appears  
17 down at the bottom of that letter?

18 A. It is.

19 Q. And is this the notice or the  
20 communication that we referred to earlier, where  
21 you essentially resigned as President of  
22 Brendamour Moving & Storage?

23 A. It is.

24 Q. And then if you would kindly go to the  
25 next page of the exhibit.

1 MR. FINNEY: The next page of  
2 Exhibit 1, the Fifth Third Bank memo?

3 MR. LAMPING: The Fifth Third Bank  
4 memo.

5 A. That's my signature.

6 Q. (BY MR. LAMPING) And is that the  
7 signature of your wife Joan?

8 A. Yes, it is.

9 Q. And this is a letter that you sent to  
10 Fifth Third Bank that's dated June 15th, 2004?

11 A. Correct.

12 Q. What was your purpose in sending this  
13 letter to Fifth Third Bank?

14 A. My wife and I were -- did not want to be  
15 on any of the checking accounts any longer  
16 because we didn't want to be responsible for how  
17 the company was running and how the funds were  
18 paid and so on.

19 Q. And at this point in time what concerns  
20 did you have about how the company was being run  
21 or how company funds were being used?

22 A. Like I said earlier, I had a beautiful  
23 mother, and I could go on for as long as you  
24 want, my father was a good father, and outside of  
25 business he made and lost more fortunes than you

1 could count, and I didn't -- he helped out, mom  
2 and him bought the company, and I just didn't  
3 want to be part of the way they did not include  
4 me in what was going on, and it was just time for  
5 me to step down.

6 Q. Other than the fact that you weren't  
7 being included, were there any other reasons why  
8 you sent a letter to Fifth Third Bank asking you  
9 to be removed from the bank accounts?

10 A. Oh, I had resigned as President and an  
11 officer of the company, so I shouldn't have been  
12 on the checking accounts any longer.

13 Q. Okay. And then what I think is going to  
14 be last exhibit, it should have been e-mailed to  
15 you all, is Mr. Brendamour's Interrogatory  
16 Answers.

17 MR. LUEPKE: Yes, I have received  
18 it.

19 Q. (BY MR. LAMPING) And Chris, Julie, have  
20 you received that?

21 MR. FINNEY: Present, and it's up  
22 on the screen. Do you want him to read the whole  
23 thing before you ask him questions or do you want  
24 him to ask questions about it?

25 Q. (BY MR. LAMPING) You know what, I'm not

1 going to tell him what he should read or not  
2 read. My question is going to be whether there's  
3 anything in here that he needs to correct or  
4 modify.

5 MR. FINNEY: You need to read that.

6 A. I'm a slow reader.

7 Q. (BY MR. LAMPING) Why don't we do this.  
8 I don't think I'll have too many questions after  
9 that. Why don't we take a short break.

10 A. Can you let me read it? I'll read it as  
11 quick as I can.

12 MR. LAMPING: I don't want to rush  
13 you, sir. If your counsel is advising you to  
14 read the whole document, then that's his  
15 prerogative, so why don't we take a very short  
16 break I'll collect my notes and --

17 (Exhibit 4 was marked by the  
18 reporter for identification.)

19 A. I prefer to keep going. I have a wife  
20 that had a procedure she found out about  
21 yesterday from last week, and she had another  
22 procedure or a test yesterday, and she's waiting  
23 for results.

24 Q. (BY MR. LAMPING) Well, you know what,  
25 sir, I'm not the one who is insisting that you

1 read every document.

2 A. I'm just asking to -- let me, I'll read  
3 it, I'll read it very quickly and we'll continue.  
4 Okay, I'll just skip through it. Okay.

5 Q. Mr. Brendamour, you have been given an  
6 opportunity to review what's been marked as  
7 Exhibit 4. Do you understand Exhibit 4 to be  
8 written answers that you provided to some  
9 interrogatories that were served in this case?

10 A. Yes.

11 Q. And are your answers to these  
12 interrogatories still true and correct to the  
13 best of your knowledge?

14 A. To the best of my knowledge, they are.

15 Q. Okay. Anything that you think you need  
16 to add or revise or are they good as is?

17 A. I think you've asked a lot of good  
18 questions, and I have done my best to answer them  
19 today.

20 Q. Okay. Let me take a 2-minute break just  
21 to go over my notes and I will likely be wrapping  
22 up. Is that all right with everyone?

23 A. Yes.

24 THE VIDEOGRAPHER: Going off the  
25 record. This ends Media 2. The time is 12:26

1 p.m.

2 (Recess)

3 THE VIDEOGRAPHER: Going back on  
4 the record. This begins Media 3. The time is  
5 12:30 p.m.

6 Q. (BY MR. LAMPING) Mr. Brendamour, just  
7 one more quick follow-up. We talked about  
8 accessorial charges earlier. Do you remember  
9 talking about that?

10 A. I do.

11 Q. Do you have any recollection of  
12 Mayflower raising the commission rate that it  
13 charged on accessorial services?

14 A. No, I don't.

15 Q. Okay. Mr. Brendamour, I really  
16 appreciate your time this morning, I apologize  
17 for some of the technical difficulties, but at  
18 this time I don't have any more questions.

19 A. Okay.

20 MR. FINNEY: Thank you. We  
21 appreciate it.

22 Julie is going to convene, I guess. Are  
23 you going to go right away to Paul Owens or what  
24 are we doing?

25 MR. LAMPING: No, we're going to do



1 Paul at I guess 2:00 o'clock Central, 3:00  
2 Eastern.

3 MR. FINNEY: 3:00 Eastern. Okay,  
4 great. Julie have you got that under control?  
5 Are you going to be here for that, Mike, then?

6 THE WITNESS: I don't think so.

7 THE VIDEOGRAPHER: Would you like  
8 me to go ahead and read us off the record?

9 MR. LAMPING: Yes.

10 THE VIDEOGRAPHER: We are off the  
11 record at 12:32 p.m. and this concludes today's  
12 testimony given by Michael Brendamour. The total  
13 number of media used was 3, and will be retained  
14 by Veritext.

15 MR. LAMPING: One more housekeeping  
16 matter. We will go ahead and e-mail marked  
17 copies of the exhibits to counsel at our earliest  
18 convenience.

19 MR. FINNEY: Thank you, everyone.

20 THE VIDEOGRAPHER: For Thompson  
21 Coburn, I have standing orders. Is anyone else  
22 wanting to order a video on this one?

23 MR. LUEPKE: Yes. Brendamour and  
24 Paul Owens would like a copy of the video.

25 THE VIDEOGRAPHER: I'm sorry, and

1 who was that speaking again?

2 MR. LUEPKE: Counsel on behalf of  
3 Brendamour and Paul Owens.

4 THE VIDEOGRAPHER: And which firm  
5 is that?

6 MR. LUEPKE: Hein Schneider.

7 THE VIDEOGRAPHER: Okay, thank you.  
8 Would you want to add syncing of the transcript  
9 on your video?

10 MR. LUEPKE: No, we don't know  
11 that.

12 THE REPORTER: And did you want the  
13 exhibits, as well?

14 MR. LUEPKE: I believe counsel  
15 said that they will e-mail us copies of the  
16 exhibits, and that's fine with us, so I don't  
17 need that from you, Ms. Corbett.

18 THE REPORTER: Sure, no worries,  
19 and is he reading and signing?

20 MR. FINNEY: We would like to read  
21 and sign, yes.

22 MR. LAMPING: And I don't think we  
23 need a copy of the video yet. We'll just take an  
24 E-Tran on the transcript, yeah.

25 THE VIDEOGRAPHER: Was that

1 Mr. Lamping speaking?

2 MR. LAMPING: Yes, it was.

3 THE VIDEOGRAPHER: Okay, so you  
4 want to hold off on your video for now?

5 MR. LAMPING: Yeah, yeah.

6 MR. FINNEY: And this is Chris  
7 Finney. We're not going to order a copy just  
8 yet.

9 (Deposition ended at 12:32 p.m.)

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C E R T I F I C A T E

I, Peggy E. Corbett, a Certified Court Reporter of the State of Missouri, do hereby certify:

That prior to being examined the witness was by me duly sworn;

That said deposition was taken down by me in shorthand at the time and place hereinbefore stated and was thereafter reduced to writing under my direction;

That I am not a relative or employee or attorney or counsel of any of the parties, or a relative or employee of such attorney or counsel, or financially interested in the action.

WITNESS my hand and seal this 16th day of November, 2023.



-----  
PEGGY E. CORBETT,  
CCR No. 143, RDR, CRR

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Veritext Legal Solutions  
1100 Superior Ave  
Suite 1820  
Cleveland, Ohio 44114  
Phone: 216-523-1313

November 28, 2023

To: Mr. Finney

Case Name: Mayflower Transit, Llc v. Brendamour Moving & Storage,  
Inc., Et Al.

Veritext Reference Number: 6311599

Witness: Michael Brendamour                      Deposition Date: 11/14/2023

Dear Sir/Madam:

The deposition transcript taken in the above-referenced  
matter, with the reading and signing having not been  
expressly waived, has been completed and is available  
for review and signature. Please call our office to  
make arrangements for a convenient location to  
accomplish this or if you prefer a certified transcript  
can be purchased.

If the errata is not returned within thirty days of your  
receipt of this letter, the reading and signing will be  
deemed waived.

Sincerely,

Production Department

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DEPOSITION REVIEW  
CERTIFICATION OF WITNESS

ASSIGNMENT REFERENCE NO: 6311599

CASE NAME: Mayflower Transit, Llc v. Brendamour Moving & Storage, Inc., Et Al.

DATE OF DEPOSITION: 11/14/2023

WITNESS' NAME: Michael Brendamour

In accordance with the Rules of Civil Procedure, I have read the entire transcript of my testimony or it has been read to me.

I have made no changes to the testimony as transcribed by the court reporter.

\_\_\_\_\_  
Date

\_\_\_\_\_  
Michael Brendamour

Sworn to and subscribed before me, a Notary Public in and for the State and County, the referenced witness did personally appear and acknowledge that:

They have read the transcript;

They signed the foregoing Sworn Statement; and

Their execution of this Statement is of their free act and deed.

I have affixed my name and official seal

this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_  
Notary Public

\_\_\_\_\_  
Commission Expiration Date

DEPOSITION REVIEW  
CERTIFICATION OF WITNESS

ASSIGNMENT REFERENCE NO: 6311599

CASE NAME: Mayflower Transit, Llc v. Brendamour Moving & Storage, Inc., Et Al.

DATE OF DEPOSITION: 11/14/2023

WITNESS' NAME: Michael Brendamour

In accordance with the Rules of Civil Procedure, I have read the entire transcript of my testimony or it has been read to me.

I have listed my changes on the attached Errata Sheet, listing page and line numbers as well as the reason(s) for the change(s).

I request that these changes be entered as part of the record of my testimony.

I have executed the Errata Sheet, as well as this Certificate, and request and authorize that both be appended to the transcript of my testimony and be incorporated therein.

\_\_\_\_\_  
Date

\_\_\_\_\_  
Michael Brendamour

Sworn to and subscribed before me, a Notary Public in and for the State and County, the referenced witness did personally appear and acknowledge that:

They have read the transcript;  
They have listed all of their corrections in the appended Errata Sheet;  
They signed the foregoing Sworn Statement; and  
Their execution of this Statement is of their free act and deed.

I have affixed my name and official seal  
this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_  
Notary Public

\_\_\_\_\_  
Commission Expiration Date

PAGE/LINE(S)	CHANGE	/REASON
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[illegible]

Date Michael Brendamour  
SUBSCRIBED AND SWORN TO BEFORE ME THIS \_\_\_\_\_  
DAY OF \_\_\_\_\_, 20\_\_\_\_.

Notary Public

Commission Expiration Date



[& - 7:58]

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[understand - witness]

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Federal Rules of Civil Procedure

Rule 30

(e) Review By the Witness; Changes.

(1) Review; Statement of Changes. On request by the deponent or a party before the deposition is completed, the deponent must be allowed 30 days after being notified by the officer that the transcript or recording is available in which:

(A) to review the transcript or recording; and

(B) if there are changes in form or substance, to sign a statement listing the changes and the reasons for making them.

(2) Changes Indicated in the Officer's Certificate. The officer must note in the certificate prescribed by Rule 30(f)(1) whether a review was requested and, if so, must attach any changes the deponent makes during the 30-day period.

DISCLAIMER: THE FOREGOING FEDERAL PROCEDURE RULES ARE PROVIDED FOR INFORMATIONAL PURPOSES ONLY.

THE ABOVE RULES ARE CURRENT AS OF APRIL 1, 2019. PLEASE REFER TO THE APPLICABLE FEDERAL RULES OF CIVIL PROCEDURE FOR UP-TO-DATE INFORMATION.

VERITEXT LEGAL SOLUTIONS

COMPANY CERTIFICATE AND DISCLOSURE STATEMENT

Veritext Legal Solutions represents that the foregoing transcript is a true, correct and complete transcript of the colloquies, questions and answers as submitted by the court reporter. Veritext Legal Solutions further represents that the attached exhibits, if any, are true, correct and complete documents as submitted by the court reporter and/or attorneys in relation to this deposition and that the documents were processed in accordance with our litigation support and production standards.

Veritext Legal Solutions is committed to maintaining the confidentiality of client and witness information, in accordance with the regulations promulgated under the Health Insurance Portability and Accountability Act (HIPAA), as amended with respect to protected health information and the Gramm-Leach-Bliley Act, as amended, with respect to Personally Identifiable Information (PII). Physical transcripts and exhibits are managed under strict facility and personnel access controls. Electronic files of documents are stored in encrypted form and are transmitted in an encrypted

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